

Mail Stop Interference
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Paper 1

Filed 8 May 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN E. DOBBS
Junior Party
(Application 10/875,783)

v.

JASON T. HENSLEY, MIKE LEJEUNE, THOMAS M. KUCKHAHN,
and **DONALD R. HALL**
Senior Party
(Patent 7,191,999)

Patent Interference No. 105,633 (JL)
(Technology Center 1700)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any),
4 count(s) and claims designated as corresponding or as not corresponding to the
5 count(s) appear in Parts E and F of this DECLARATION.

6
7 **Part B. Judge managing the interference**

8 Administrative Patent Judge Jameson Lee has been designated to manage the
9 interference. Bd. R. 104(a).

10 **Part C. Standing order**

11 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
12 DECLARATION. The STANDING ORDER applies to this interference.

13 **Part D. Initial conference call**

14 A telephone conference call to discuss the interference is set for **11:00 a.m. on**
15 **19 June 2008** (the Board will initiate the call).

16 No later than **four business days** prior to the conference call, each party shall
17 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
18 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

19 A sample schedule for taking action during the motion phase appears as Form 2
20 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
21 the conference call and to agree on dates for taking action. A typical motion period

1 lasts approximately eight (8) months. Counsel should be prepared to justify any
2 request for a shorter or longer period.

3 **Part E. Identification and order of the parties**

4 Junior Party

5 Named Inventor: JOHN E. DOBBS, Cape Charles, Virginia

6 Involved Application: 10/875,783, filed 24 June 2004

7 Title: Variable Height Sideforms

8 Assignee: None

9
10 Senior Party

11 Named Inventors: JASON T. HENSLEY, Shakopee, Minnesota

12 MIKE LEJEUNE, Wayzata, Minnesota

13 THOMAS M. KUCKHAHN, Prior Lake, Minnesota

14 DONALD R. HALL, New Prague, Minnesota

15 Involved Patent: 7,191,999 granted 20 March 2007, based on

16 Application 10/806,901 filed 23 March 2004

17 Title: Variable Height Sideforms

18 Assignee: Fabcon, Inc.

19
20 The senior party is assigned exhibit numbers 1001-1999. The junior party is
21 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party
22 is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 8 of Dobbs' Application 10/875,783

or

Claim 1 Hensley's Patent 7,191,999

The claims of the parties are:

Dobbs: Claims 8-11

Hensley: Claims 1-7

The claims of the parties which correspond to Count 1 are:

Dobbs: Claims 8-11

Hensley: Claims 1-7

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Dobbs: None

Hensley: None

The parties are accorded the following benefit:

Dobbs: None

Hensley: None

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see
SO ¶ 106.1.1:

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/JAMESON LEE/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 7,191,999
Copy of claims of 10/875,783

Revised 3 January 2006

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2

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INTERFERENCE DIGEST

Interference No. 105633

Paper No.

Name: Hensley

Serial No.: 10/806,901 filed Mar. 23, 2004

Patent No. 7,191,999 issued Mar. 20, 2007

Title: Variable Height Sideforms

Interference with: Dobbs

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.